

CHAPTER 125 INTRODUCTION TO FAR PART 129

1. GENERAL. FAR Part 129 prescribes rules governing the operation within the United States of foreign air carriers appropriately authorized by the Civil Aeronautics Board or the Department of Transportation (DOT). In 1987, FAR Part 129 was amended to require FAA approval of maintenance programs to the standards of Annex 6 of the International Civil Aviation Organization (ICAO) for U.S. registered aircraft engaged in common carriage by foreign air carriers/ persons. In addition, amended FAR Part 129 allows for FAA approval of an MEL for these aircraft if the operator requests it. FAR Parts 43, 91, 121, and 125 were concurrently amended to accommodate the amendment to FAR Part 129. The inspector is advised to become familiar with ICAO Annex 6, Part I and FAA Advisory Circular 129-4, Maintenance Programs for U.S.-Registered Aircraft Under FAR Part 129, which explains how the ICAO standards relate to FAR 129.

3. BACKGROUND

A. International Civil Aviation Organization. 1944 the International Civil Aviation Organization (ICAO) was established with the signing of the Chicago Convention. As an annex to the Chicago Convention, the “International Standards and Recommended Practices” was established as a set of standards similar to the Federal Aviation Regulations. A member state may adopt different standards but is obligated to notify the Organization of the differences. International Civil Aviation Organization standards represent minimum international standards and do not replace national regulations. ICAO Annex 6, Part 1 provides standards for maintenance of aircraft used in air transportation.

B. FAA Authority and Role. The predominant operating rules governing foreign operators are contained in FAR Parts 91 and 129. However, if a foreign operator uses U.S.-registered aircraft, other Federal Aviation Regulation Parts will apply, e.g. FAR Part 43.

NOTE: The U.S. registration does not convey any additional authorization to the foreign air carrier beyond that granted in its operations specifications.

C. FAR Part 129 Maintenance Program Background.

FAR Amendment 129-14, effective February 14, 1988 requires that each U.S.-registered aircraft operating under

FAR Part 129 be maintained under a maintenance program approved by the Administrator. In addition, the amendment includes U.S.-registered aircraft operated in common carriage by foreign persons outside of the United States. FAR Parts 43, 91, 121, 125 and 135 were amended accordingly.

(1) Maintenance programs for U.S. registered aircraft were previously approved under FAR Part 91 and occasionally FAR Part 125. These were suitable aircraft programs but they did not encompass the administrative requirements of ICAO Annex 6. The purpose of amendment 129-14 was for the FAA to ensure, by program approval, that the programs in use by foreign air carriers satisfy the U.S. commitment to ICAO.

(2) FAA Advisory Circular 129-4 was developed to provide guidance on what constitutes an acceptable maintenance program. Included in AC 129-4 are the applicable ICAO standards. [See supplementary information in the Federal Register (Final Rule Volume 52, No. 102, 5/28/87).]

D. FAR Part 129 Maintenance Program and Its Limits.

The standard for maintenance programs approved under FAR Part 129 is ICAO Annex 6, Part I. This annex prescribes, in broad terms, a continuous airworthiness maintenance program. The regulations provide for, a “maintenance program”. Continuous airworthiness maintenance programs approved by the country holding the certificate of authority of operation for its registered aircraft differ from maintenance programs approved by the FAA for U.S.-registered aircraft under FAR Part 129. The significant difference is that maintenance programs for aircraft registered to the foreign country of operation usually include the authority to perform maintenance on those aircraft. FAA approved programs for U.S. registered aircraft under FAR Part 129 do not. Therefore, maintenance standards and administration of the maintenance function are approved under FAR Part 129 but performance of maintenance of the aircraft is governed by the provisions of FAR Part 43.

E. Department of Transportation (DOT) Authority and Role. Economic authority must be obtained from DOT before a foreign operator may conduct any passenger or cargo operations to and from the United States.

F. Aircraft Size. FAR § 129.14 and AC 129-4 apply to all size aircraft. The requirements of the advisory circular may have to be scaled down for small aircraft.

5. RELATIONSHIPS WITH FOREIGN NATIONALS

A. Inspectors should exercise tact and diplomacy during any contact with representatives of the various foreign government agencies and foreign air carriers. Inspectors should provide any reasonable assistance requested.

B. Before scheduling any official visit to a foreign country, the inspector should coordinate the trip with the foreign air carrier and advise the appropriate Foreign Civil Aviation Authority (FCAA) and U.S. Embassy of the purpose and details of the planned visit. If appropriate, the inspector should invite a representative of the FCAA to participate.

C. In cases when the subject of a meeting may be controversial, the responsible regional office will be notified.

D. The FCAA should be requested to participate in the development of maintenance programs required by

FAR Part 129. Their concurrence with those programs should be sought but is not mandatory. This should be a routine matter and does not require regional or higher level notification.

E. Particular care should be taken to explain any FAR Part 129 related discrepancy to the foreign air carrier. Items not regulated by the applicable Federal Aviation Regulations or operations specifications shall not be inspected unless a specific written request has been made by the foreign air carrier, the FCAA, or the Administrator.

7. FAR PART 129 OPERATIONS SPECIFICATIONS. The district office holding the foreign air carrier's operations specifications shall maintain those operations specifications.

9. FOREIGN AIR CARRIERS OPERATING U.S. REGISTERED AIRCRAFT. The district office responsible for the maintenance program shall maintain the approved maintenance program, the Minimum Equipment List, and other records.